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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	2:11-CR-434-LDG-(PAL)
	)	
Plaintiff,	)	
	)	
v.	)	Stipulation and Settlement Agreement for
	)	Final Order of Forfeiture
EDUARD PETROIU, <i>et. al.</i> ,	)	
	)	
Defendants.	)	

The United States of America, as Plaintiff, and Atanas Nedyalkov and Mariya Nedyalkova (hereinafter collectively referred to as the Nedyalkovs) a married couple, as Petitioners to the real property (described herein below) in the above-captioned criminal forfeiture action as well as their counsel, Boris Avramski, stipulate and agree as follows:

## BACKGROUND

On October 16, 2012, a grand jury sitting in Las Vegas, Nevada, returned a four-count superseding indictment against Eduard Petroiu and several other individuals (named in the caption and described in the body of that superseding indictment, as docketed above) charging them with conspiring to defraud an unsuspecting public by selling cars and other conveyances over the internet that they (the defendants) did not own. Specifically, between 2008 and 2011, the co-defendants were engaged in a massive wire fraud conspiracy wherein the actors used phone lines and the internet to sell cars, trucks and other conveyances that they did not own.

1 Relying on the schemers' false promises, hundreds of unwitting buyer/victims sent money to the  
2 conspirators expecting to receive a car, or other type of conveyance, that was never delivered.  
3 Once targeted by law enforcement, the conspirators' fraud scheme came to a swift end,  
4 culminating in the conspirators' October 2012 indictment, referenced above. That superseding  
5 indictment also contained forfeiture allegations that sought the criminal forfeiture of, amongst  
6 other things, a residence located at 4225 Dover Place, Las Vegas.

7 Two of defendants in that case were Vladimir Budestean and Delyana Nedalkova, who  
8 were briefly married to each other. Delyana Nedyalkova's parents are Atanas and Mariya  
9 Nedyalkova, both of whom reside at a detached home located at 4225 Dover Place Las Vegas,  
10 Nevada. Through the forfeiture allegations contained in the superseding indictment, the  
11 Government sought the criminal forfeiture of the Dover Place residence on the ground that it was  
12 purchased, in whole or in part, with proceeds from the internet fraud scam. Atanas and Mariya  
13 Nedyalkova filed a petition challenging the forfeiture contending that they purchased the home  
14 with legitimate funds.

15 In successive months ALL of the seventeen defendants, including Delyana Nedyalkova,  
16 pled guilty and all have been sentenced. In their respective changes of plea, each of the  
17 defendants pled guilty to a felony offense that supported forfeiture.

18 This Court has entered a preliminary order of forfeiture that divests each and all of the  
19 convicted defendants of any right, title and/or interest in all of the assets identified and described  
20 in each forfeiture allegation of the superseding indictment. As such, each item of real and  
21 personal property specified in those forfeiture allegations, including the residence located at  
22 4225 Dover Place, Las Vegas, Nevada 89107, has been deemed preliminarily forfeited to the  
23 United States, subject to the rights of third parties, who may have asserted an interest in one or  
24 more of those assets.

25 In that regard, pursuant to 21 U.S.C. § 853(n), the United States fulfilled its statutory  
26 obligation to notify all interested parties of any interest(s) that he/she/they/it might assert as to



1 any of the preliminarily-forfeited items. No person or entity came forward to file a petition,  
2 except for Atanas Nedyalkov and Mariya Nedyalkova. As noted above, the Nedalkovas,  
3 individually and collectively, filed a petition with this Court asserting their alleged legitimate  
4 interests in the residence located at 4225 Dover Place Las Vegas, Nevada 89107.

5 **TERMS OF AGREEMENT**

6 Based upon negotiations, wherein both parties (the United States and the Nedyalkovs)  
7 were represented by counsel, the parties stipulate and agree to resolve the interests that the  
8 Nedyalkovs may have in 4225 Dover Place, Las Vegas, Nevada 89107, under the following  
9 terms and conditions:

- 10 1. **The NEDYALKOVS** knowingly and voluntarily agree to the abandonment, the civil  
11 administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the  
12 following parcel of real property: 4225 Dover Place Las Vegas, Nevada 89107.
- 13 2. **The NEDYALKOVS** knowingly and voluntarily agree to abandon or to forfeit the  
14 property to the United States.
- 15 3. **The NEDYALKOVS** knowingly and voluntarily agree to relinquish all right, title,  
16 and interest in the property.
- 17 4. **The NEDYALKOVS** knowingly and voluntarily agree to waive his and her  
18 individual and/or collective right(s) to any abandonment proceedings, any civil  
19 administrative forfeiture proceedings, any civil judicial forfeiture proceedings, or any  
20 criminal forfeiture proceedings (all of which constitutes proceedings) of the property.
- 21 5. **The NEDYALKOVS** knowingly and voluntarily agree to waive service of process  
22 of any and all documents filed in this action or any proceedings concerning the  
23 property.
- 24 6. **The NEDYALKOVS** knowingly and voluntarily agree to waive any further notice  
25 to him and/or her, him and/or her agents, or his and/or her attorney(s) regarding the  
26 forfeiture and disposition of the property.

- 1       7. **The NEDYALKOVs** knowingly and voluntarily agree not to file any claim, answer,  
2       petition, or other documents in any proceedings concerning the real property  
3       identified herein, throughout, as 4225 Dover Place Las Vegas, Nevada 89107.
- 4       8. **The NEDYALKOVs** knowingly and voluntarily agree to withdraw any claims,  
5       answers, counterclaims, petitions, or other documents he and/or she filed in any  
6       proceedings concerning the property.
- 7       9. **The NEDYALKOVs** knowingly and voluntarily agree to waive the statute of  
8       limitations, the CAFRA requirements, Fed. R. Crim. P. 7, 11, and 32.2, the  
9       constitutional requirements, and the constitutional due process requirements of any  
10      abandonment proceedings or any forfeiture proceedings concerning the property.
- 11     10. **The NEDYALKOVs** knowingly and voluntarily agree to waive his and/or her  
12      right(s) to a trial on the forfeiture of the property.
- 13     11. **The NEDYALKOVs** knowingly and voluntarily agree to waive (a) all  
14      constitutional, legal, and equitable defenses to, (b) any constitutional or statutory  
15      double jeopardy defense or claim concerning, and (c) any claim or defense under the  
16      Eighth Amendment to the United States Constitution, including, but not limited to,  
17      any claim or defense of excessive fines or cruel and unusual punishments in any  
18      proceedings concerning the property.
- 19     12. **The NEDYALKOVs** knowingly and voluntarily agree to the entry of an Order of  
20      Forfeiture of the property to the United States.
- 21     13. **The NEDYALKOVs** understand that the forfeiture of the property shall not be  
22      treated as satisfaction of any assessment, restitution, fine, cost of imprisonment or  
23      any other penalty that may be imposed in addition to forfeiture.
- 24     14. **The NEDYALKOVs** knowingly and voluntarily agree to the conditions set forth in  
25      this Stipulation for Entry of Order of Forfeiture as to the **NEDYALKOVs** and Order  
26      (Stipulation).



1       15. **The NEDYALKOVs** knowingly and voluntarily agree to hold harmless the United  
2       States of America, the United States Department of Justice, the United States  
3       Attorney's Office for the District of Nevada, the Federal Bureau of Investigation  
4       and/or any other federal, state and/or local investigative agency associated with the  
5       criminal investigation of the matters contained in the superseding indictment,  
6       including their agents, and their employees from any claim made by him and/or her  
7       or by any third party arising from the facts and circumstances of this case.

8       16. **The NEDYALKOVs** knowingly and voluntarily release and forever discharge the  
9       United States of America, the United States Department of Justice, the United States  
10      Attorney's Office for the District of Nevada, of Justice, the Federal Bureau of  
11      Investigation and/or any other federal, state and/or local investigative agency  
12      associated with the criminal investigation of the matters contained in the superseding  
13      indictment including their agents, and their employees from any and all claims,  
14      rights, or causes of action of any kind that the **NEDYALKOVs** now have or may  
15      hereafter have on account of, or in any way growing out of, the allegations leading to  
16      the indictment of the real property in the superseding indictment and/or the  
17      abandonment, the civil administrative forfeiture, the civil judicial forfeiture, and the  
18      criminal forfeiture of the subject real property.

19      17. The petitioners, the **NEDYALKOVs** hereby consent and agree to the entry of a final  
20      order of forfeiture consistent with the allegations contained in the superseding  
21      indictment consistent with the following terms and conditions.

22      18. The **NEDYALKOVs** agree to pay the United States the sum of TWENTY-FIVE  
23      THOUSAND DOLLARS (\$25,000) in United States negotiable tender in the form of  
24      a cashier's check made payable to the United States Marshals Service, within thirty  
25      (30) days of the date that this Court approves and files the within settlement  
26      agreement.

- 1 19. The petitioners, the **NEDYALKOVs**, further agree that the \$25,000 to be paid to the  
2 United States Marshals Service shall be forfeited to the United States in lieu of the  
3 defendant property, 4225 Dover Place Las Vegas, Nevada 89107, and that all right,  
4 title, and interest in the \$25,000.00 shall vest, unencumbered, in the United States of  
5 America for disposition according to law.
- 6 20. Following entry of a final order of forfeiture, against the cashier's check in the  
7 amount of \$25,000, referenced above, and after that check clears, the United States  
8 shall return the defendant real property to the defendant and/or file a release of the *lis*  
9 *pendens* as against 4225 Dover Place Las Vegas, Nevada within thirty days of the  
10 date that the Court afore-referenced check clears; thereby divesting the United States  
11 of any and all right, title and interest in that property as relates to the forfeiture  
12 allegations contained in the superseding indictment, hereinbefore referenced.
- 13 21. The Stipulation contains the entire agreement between the parties.
- 14 22. Except as expressly stated in the Stipulation, no party, officer, agent, employee,  
15 representative, or attorney has made any statement or representation to any other  
16 party, person, or entity regarding any fact relied upon in entering into the Stipulation,  
17 and no party, officer, agent, employee, representative, or attorney relies on such  
18 statement or representation in executing the Stipulation.
- 19 23. The persons signing the Stipulation warrant and represent that they have full  
20 authority to execute the Stipulation and to bind the persons and/or entities, on whose  
21 behalf they are signing, to the terms of the Stipulation.
- 22 24. This Stipulation shall be construed and interpreted according to federal forfeiture law  
23 and federal common law. The jurisdiction and the venue for any dispute related to,  
24 and/or arising from, this Stipulation is the unofficial Southern Division of the United  
25 States District Court for the District of Nevada, located in Las Vegas, Nevada.
- 26 25. Each party shall bear his/her/their or its own attorneys' fees, expenses, interest, and  
costs.



26. This Stipulation shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared primarily by counsel for one of the parties; it being recognized that both parties have contributed substantially and materially to the preparation of this Stipulation.

IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure and forfeiture of the property.

STEVEN W. MYHRE  
Acting United States Attorney

By: Michael A. Humphreys  
Assistant United States Attorney

Dated: October 23, 2017

Atanas Nedyalkov  
Petitioner

Dated: October 23, 2017

Mariya Nedyalkova  
Petitioner

Dated: October 23, 2017

Boris Avramski  
Attorney for the Petitioners

Dated: October 23, 2017

IT IS SO ORDERED:

LLOYD D. GEORGE  
UNITED STATES DISTRICT JUDGE

DATED: 24 October 2017